TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 337.

JACKSON W. GILES, PLAINTIFF IN ERROR,

vs.

CHARLES B. TEASLEY, WILLIAM A. GUNTER, Jr., AND E. JEFF HARRIS, AS THE BOARD OF REGISTRARS OF MONTGOMERY COUNTY, ALABAMA.

IN ERROR TO THE SUPREME COURT OF THE STATE OF ALABAMA.

FILED JUNE 29, 1903.

(18,988.)

27482

(18,988.)

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1 3 Div. 368.

(Supreme Court of Alabama. Filed Dec. 9, 1902. Rob't F. Ligon, Jr., Clerk.)

JACKSON W. GILES
v.
CHAS. B. TEASLEY ET ALS., Board of Registrars, &c.

Appeal from Montgomery city court.

Dec. 15, 1902.—Submitted on briefs.
Feb. 28, 1903.—Affirmed. Tyson, J.

2 THE STATE OF ALABAMA,
Montgomery County.

Be it remembered that at a term of the city court of Montgomery, begun and holden for said county, at the court house, in the city of Montgomery, State and county aforesaid, on the second Monday in October, in the year of our Lord, one thousand nine hundred and two, it being the thirteenth day of said month—present, the Honorable A. D. Sayre, judge presiding—the following proceedings were had and the following judgments were rendered, to-wit:

3 THE STATE OF ALABAMA,
Montgomery County.

To any sheriff of the State of Alabama, Greeting:

You are hereby commanded to summon Charles B. Teasley, E. J. Harris and Wm. A. Gunter, Jr., board of registrars of Montgomery county, to appear before the city court of Montgomery, in and for said county, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur or plead to the complaint of Jackson W. Giles.

And you are hereby commanded to execute this process instanter and make return as required by law.

Witness my hand this 24th day of June, A. D. 1902.

H. H. MATTHEWS, *Clerk.*

THE STATE OF ALABAMA,
Montgomery County.

In the City Court of Montgomery, Oct. Term, 1902.

JACKSON W. GILES, Plaintiff,
vs.
CHAS. B. TEASLEY, E. J. HARRIS, and WM. A. GUNTER, JR., Board of Registrars, Montgomery County, Defendants.

Complaint.

The plaintiff in the above-entitled cause claims of the said defendants the sum of five thousand dollars, damages, for wilfully and wrongfully refusing to register him, and issue to him a certificate of qualification as an elector in the State of Alabama, under the constitution and laws of said State for no other reason
4 than his race and color, the plaintiff being a person of black complexion, and of African descent known as a negro, and qualified under the law; and the plaintiff claims that the said defendants thereby wilfully and wrongfully deprived him of his right to vote, guaranteed under the first section of the 15th amendment to the Constitution of the United States, as hereinafter set forth:—

The plaintiff says that having been born in the State of Alabama, and having resided in Montgomery county for 30 yrs. and in precinct No. 4 for more than 2 years next before he applied for registration, and having theretofore, exercised all the rights and enjoyed all the privileges of a citizen of the United States and an elector of the State of Alabama, did on the 13th day of March, 1902, while the said board was in session at the court house in the city of Montgomery, and open for the registration of the electors of said county, make application in due form to said defendants, sitting as the board of registrars of said Montgomery county, to be registered as an elector of the State of Alabama, and complied with all the reasonable and legal requirements of said board, but that they arbitrarily and without justification or excuse, wrongfully and wilfully refused to register the plaintiff and wrongfully and wilfully refused to issue to him a certificate of qualification as an elector of the State of Alabama, for no other reason than his race and color; and at the same time refused large numbers of negroes similarly situated and qualified as the plaintiff, while all white men were registered and given certificates without a single denial, or even a question raised as to their right or qualification, and that said defendants acting in their said official capacity, required the plaintiff and all negroes to furnish the testimony of two white men as to their qualification and character, and refused to accept the testimony of any colored person, while all white men were registered without any proof except the oath of the applicant;

And the plaintiff further claims and shows, that the said de-

fendants well knew that sections 180, 181, 183, 184, 185, 186,
5 187, and 188 of article 8 of the new constitution of Alabama, which went into effect November 28th, 1901, under and by virtue of which they were appointed and were acting at the time, were intended, designed and enacted by the State of Alabama through the delegates to the constitutional convention which enacted said constitution, to deny and abridge the right of the plaintiff and all members of his race in the State of Alabama, to vote in said State, solely on account of their race color and previous condition of servitude, without disfranchising a single white man; and that said defendants well knew that said constitutional convention was composed entirely of white men, although the population of the State of Alabama is composed of 1,001,152 white persons, and 827,545 colored, and that in the following counties the negroes are in the majority to-wit:

Autoga	county, whites	6,722	colored	11,173.
Barbour	" "	12,781	"	22,371.
Bullock	" "	5,846	"	26,098.
Butler	" "	12,494	"	13,247.
Chambers	" "	15,139	"	17,415.
Choctaw	" "	7,854	"	11,278.
Clarke	" "	11,952	"	15,838.
Dallas	" "	9,285	"	45,372.
Greene	" "	3,307	"	20,875.
Hale	" "	5,664	"	25,347.
Lowndes	" "	4,764	"	30,889.
Macon	" "	4,252	"	18,874.
Marengo	" "	8,841	"	29,474.
Monroe	" "	10,529	"	13,137.
Montgomery	" "	19,825	"	52,222.
Perry	" "	6,821	"	24,962.
Pickens	" "	10,481	"	13,921.
Russell	" "	5,930	"	21,153.
Sumter	" "	5,672	"	27,038.
6 Talladega	county, whites	17,547	colored	18,226.
Wilcox	" "	6,979	"	28,652.

And the said plaintiff claims and shows, that the defendants well knew that section 180 of article 8 of said constitution, adopted for the purpose and with the design hereinbefore stated, is repugnant to the 14th and 15th amendments to the Constitution of the United States, in that it divides the inhabitants of said State into classes, with unequal requirements and qualifications, and because subdivisions 1 and 2 of said section do not contain a statement of qualifications which are applicable to and attainable by all alike regardless of race, color and previous condition, but discriminate against the negroes of Alabama on account of their race, color and previous condition; also, because subdivision 3 of said section is unreasonable and void because too loose and general, in not defining what kind of good character a citizen must have, and what duties

and obligations a citizen must understand under a republican form of government; and further because said subdivision 3 leaves too wide and general a discretion to the registrars, and is equivalent to investing them with arbitrary power.

The plaintiff further claims and shows that the defendants well knew that section 181 of article 8 of said constitution, enacted with the design aforesaid, is repugnant to the 14th and 15th amendments to the Constitution of the United States in this: that while said section pretends to describe the qualifications of persons who shall apply for registration after January 1st, 1903, it was in truth and in fact intended and enacted especially to apply to the plaintiff and all the negroes of Alabama, and not to operate against or affect any white person in the State of Alabama, and is part of the scheme to disfranchise the negroes of Alabama on account of their race and color and previous condition, and by refusing to register the plaintiff and the members of his race, which the defendants have done and are now doing, for no other reason than their race and color, while all white men are registered by the defendants, they
7 thus force all the negroes of Montgomery county to wait until 1903 for registration when said section comes into operation.

Also, the plaintiff claims and shows, that the defendants well knew that section 186 of article 8 of the present constitution of Alabama, enacted with the design aforesaid, is repugnant to the first sections of the 14th and 15th amendments to the Constitution of the United States in this: that said board is composed exclusively of partisan white men, and the pretended right of appeal from their decision to the circuit court and thence to the supreme court in case of refusal, was given to more effectually hinder and deny the plaintiff's right to vote, and the right of his race, on account of their race and color, and not with a view of accomplishing their registration; because all negroes are excluded from serving on any of the juries in the trial courts of Alabama on account of their race and color, and although otherwise qualified for such service, and have been so excluded for a great many years; and the plaintiff would encounter the same prejudice and obtain the same result as upon his application to the registrars.

Likewise, the plaintiff claims that the said defendant well knew that sections 183, 184, 185, 187 and 188 were aimed especially at the plaintiff and the members of his race, and are repugnant to the first sections of the 14th and 15th amendments to the Constitution of the United States, and that all of them were an artful attempt and scheme to evade the 14th and 15th amendments to the Constitution of the United States.

And the plaintiff claims and shows that the said defendants well knowing the intent and objects of said sections, and that the same were null and void, were appointed by the State of Alabama to administer and carry out the same, and did then and there undertake to carry out and administer said sections, and while engaged in the administration of the same, did wilfully and wrongfully deny and

refuse to register the plaintiff and large numbers of his race,
8 for no other reason than their race and color, and thus deprived the plaintiff of his right to vote as an elector in the State of Alabama, contrary to the provisions of the first section of the 15th amendment to the Constitution of the United States, which right is very valuable and sacred to him, to his great damage aforesaid, for which he sues and prays the judgment of the court.

JACKSON W. GILES,
Appearing for Himself and by
WILFORD H. SMITH,
A Member of the Bar of the State of Mississippi,
Appearing in this Case by Special Permission of the Court.

Filed in office this 24th day of June, 1902.
H. H. MATTHEWS, *Clerk.*

Received in office Jun- 24 1902
W. R. WALLER, *Sheriff.*

Executed by serving a copy of the within summons and complaint on C. B. Teasley, E. J. Harris & Wm. A. Gunter, Jr.
W. R. WALLER, *Sheriff,*
P'r S. S. BELSER, *Dep'ty.*

June 26, 1902.

9 In the City Court of Montgomery.

JACKSON W. GILES, Plaintiff,
v.
CHARLES B. TEASLEY, E. J. HARRIS, & W. A. GUNTER, JR., Board of Registrars of Montgomery, Defendants.

Come the defendants, and for answer to the complaint filed in said cause, say that the same is insufficient in law, and accordingly demur thereto, and for grounds of demurrer they assign the following:

1. That it appears in and by said complaint that the defendants constituted the board of registrars of Montgomery county and were acting in their official capacity as such registrars in the doing of the several acts complained of by the plaintiff, and that the said acts so done and complained of were acts in their nature judicial on the part of the defendants in the performance of their duty as such registrars of electors, and that no action such as the plaintiff has brought lies against them at law for anything done within their jurisdiction as such registrars. Defendants aver that all of the acts complained of by the said complainant, for which damages are sought, were within the jurisdiction given to such board of registrars by the law under which they were acting.

2. That it appears in and by said complaint, that the said defendants were, in the performance of the several acts complained of, for which damages are sought in the complaint, acting judicially and within their jurisdiction as the board of registrars of Montgomery county.

3. That the said complaint does not set forth or state when and where and how the plaintiff made application to the defendants for registration as an elector, nor set forth the proceedings upon his said application, so that a judgment can be formed as to the fact of the wrongful refusal by the defendants to admit said plaintiff to registration.

4. That the proceedings of the registration board contemplate that applications for registration should be made in writing, and the judgment and proceedings thereon are in writing, and that the said plaintiff does now show and set forth any written application to the board of registrars by the plaintiff for registration as a voter, or any judgment or proceedings on such application.

Wherefore, and for divers good and sufficient causes, the defendants say the said declaration is insufficient, and they pray judgment whether they shall make any further or other answer thereto.

GUNTER & GUNTER,
Att'ys for Defendants.

Notice is given that the defendants demand a jury on the trial of this cause.

GUNTER & GUNTER,
Att'ys for Defendants.

Filed June 27th, 1902.
H. H. MATTHEWS,
Clerk City Court of Montgomery.

MONDAY, *October* 13, *A. D.* 1902.

Court met pursuant to adjournment.
Present: The Honorable A. D. Sayre, judge, presiding.

JACKSON W. GILES *vs.* CHARLES B. TEASLEY, E. J. HARRIS, and W. A. Gunter, Jr., Board of Registrars of Montgomery County.	2124.	Damages.

This day came the parties by their attorneys and the defendants' demurrer to the complaint being argued by counsel and understood by the court, it is considered and ordered by the court and it is the judgment of the court that the said demurrer to the complaint be and the same is hereby sustained.

And the plaintiff declining to amend his complaint, it is consid-

ered and ordered by the court and it is the judgment of the court that this cause be and the same is hereby dismissed.

And it is further considered and ordered by the court that the defendants go hence and recover of the plaintiff the costs in this behalf expended, for which let execution issue.

12 THE STATE OF ALABAMA, }
Montgomery County. }

In the City Court of Montgomery.

JACKSON W. GILES, Plaintiff, *against* CHAS. B. TEASLEY, WM. A. GUNTER, Junior, and E. Jeff Harris, Board of Registras of Montgomery County, Alabama, Defendants.	Action for $5,000.00 Damages for Refusing to Register Plaintiff.

Judgment was rendered in the above entitled cause, in favor of said defendants, sustaining their demurrer and dismissing the complaint, on the 13th day of October, 1902, from which judgment the said plaintiff has prayed an appeal to the supreme court of the State of Alabama;

Now therefore, know all men by these presents, that we, Jackson W. Giles, J. W. Alstock and John W. Jones acknowledge ourselves security for all costs of the said appeal taken to the supreme court by the said Jackson W. Giles from the said judgment in said cause.

Witness our signatures, this 18th day of October, 1902.

JACKSON W. GILES.
J. W. ALSTOCK.
JOHN W. JONES.

Approved this 25th day of October, 1902.
H. H. MATTHEWS,
Clerk of City Court of Montgomery.

Filed in office this 25th day of October, 1902.
H. H. MATTHEWS,
Clerk City Court of Montgomery.

13 THE STATE OF ALABAMA, }
Montgomery County. }

To any sheriff of the State of Alabama, Greeting:

You are hereby commanded to summon Gunter & Gunter, attorneys of record of Chas. B. Teasley, Wm. A. Gunter, Jr., and E. J. Harris, board of registrars of Montgomery county, Alabama, to ap-

pear at the next term of the supreme court of said State, then and there to defend an appeal which Jackson W. Giles has this day sued out, returnable to said court, to reverse a judgment which Chas. B. Teasley, Wm. A. Gunter, Jr., and E. J. Harris, board of registrars of Montgomery county, Alabama, at the October term, 1902, of the city court of Montgomery recovered against Jackson W. Giles, and make immediate return of this writ, &c.

Witness, Henry H. Matthews, clerk of said city court, this 25th day of October, A. D. 1902.

H. H. MATTHEWS,
Clerk of the City Court of Montgomery.

Received in office Oct. 25 1902.

W. R. WALLER, *Sheriff.*

Executed by serving a copy of the within on Gaston Gunter, of the firm of Gunter & Gunter, this 28th day of October, 1902.

W. R. WALLER, *Sheriff.*
G. M. POWELL, *D. S.*

14 STATE OF ALABAMA, }
Montgomery County. }

I, H. H. Matthews, clerk of the city court of Montgomery, in and for said State and county, do hereby certify that the foregoing pages numbered from one (1) to thirteen (13), inclusive, contain a full, true and correct transcript of the record and proceedings in a certain cause lately therein pending, wherein Jackson W. Giles was plaintiff and Chas. B. Teasley, Wm. A. Gunter, Jr., and E. J. Harris, board of registrars of Montgomery county, were defendants, according to the papers on file in said cause, in my office.

And I further certify that on the 25th day of October, 1902, the plaintiff in said cause, Jackson W. Giles, did, after giving security for costs, pray for and was granted an appeal to the supreme court of Alabama, from the judgment rendered in said cause, in favor of said defendants, sustaining their demurrer and dismissing the complaint; and that J. W. Alstock and John W. Jones are the sureties for said costs.

All of which I certify to said supreme court.

This, the 10th day of November, 1902.

H. H. MATTHEWS,
Clerk of the City Court of Montgomery.

15 In the Supreme Court of Alabama.

JACKSON W. GILES, Appellant,
vs.
CHAS. B. TEASLEY ET AL., Board of Registrars of Montgomery County, Ala., Appellees. } Assignments of Error.

And now comes the appellant, by his attorney and assigns the following errors in the rulings and proceedings of the court below, from which this appeal is taken, upon which he relies for a reversal in this court to-wit:

First Assignment of Error.

Because the court erred in sustaining the demurrer and dismissing the complaint, when the allegations of the complaint showed that sections 180, 181, 183, 184, 185, 186, 187, and 188, of article 8 of the constitution of Alabama were repugnant to the 14th and 15th amendments to the Constitution of the United States, in that they were designed and intended to deprive complainant and the negroes of Alabama of their right to vote on account of their race and color, and previous condition of servitude, without depriving a single white man in the State of Alabama of his right to vote.

Second Assignment of Error.

Because the court erred in sustaining the demurrer and dismissing the complaint, when the complainant alleged that section 180, of article 8, of the new constitution of Alabama was repugnant to the 14th and 15th amendments to the Constitution of the United States, in that sub-divisions 1, and 2, of said section did not contain such a statement of qualifications for suffrage are as applicable to, and attainable by all alike regardless *to* race or color, and that said sub-divisions in effect deprive the complainant and the negroes of
16 Alabama of the right to vote, on account of their race and color, and previous condition of servitude; and that subdivision 3, of said section is equally repugnant to the said amendments to the Constitution of the United States because it is unreasonable, too general, and invests the registrars with absolute and arbitrary power, and in effect denies the complainant the right to vote because of his race and color.

Third Assignment of Error.

Because the court erred in sustaining the demurrer and dismissing the complaint when the same alleged that sections 181, 183, 184, 185, 187, and 188, of article 8 of the new constitution of Alabama

were designed and especially intended to apply to the complainant and the negroes of Alabama, and were not intended to operate against or affect any white person in said State, because all the white men in Alabama were allowed to qualify under section 180, while the negroes were refused qualification under that section, and were thus forced to wait until section 181, and kindred sections went into operation; and was part of one entire scheme on the part of the party in power and dominant race in the State of Alabama to deny complainant and the negroes of Alabama the right to vote on account of their race and color.

Fourth Assignment of Error.

Because the court erred in sustaining the demurrer and dismissing the complaint when the same alleged that section 186, of article 8 of the constitution of Alabama, was in contravention of the 14th and 15th amendments to the Constitution of the United States, in that the board of registrars composed entirely of partisan white men, were given absolute power and discretion of a court for the purpose of more effectually depriving complainant and his race of the right to vote on account of their race and color, and that the pretended right of appeal to the circuit court was given for the same purpose, because the juries of Alabama are composed exclusively of white men, negroes being excluded from service on any of the juries of the trial courts of Alabama on account of their race and color, although otherwise qualified for jury service; and have been so excluded for a great many years, so that an appeal from the decision of the registrars would result in the same discrimination and race prejudice.

Fifth Assignment of Error.

Because the court erred in sustaining the demurrer and dismissing the complaint when the same alleged facts showing that the appellees who were charged with the administration and en-
17 forcement of said suffrage provisions of said constitution refused to register complainant and large numbers of his race for no other reason than their race and color, when they were otherwise qualified under the law, and required them to produce the testimony of white men as to their qualifications and refused to accept the testimony of colored men, while all white men applying for registration were registered and were not required to produce any evidence except the affidavit of the applicant.

WILFORD H. SMITH,
Att'y for Appellant.

(Minutes 54, page 52.)

SUPREME COURT, TUESDAY, *Dec.* 16, 1902.

The court met pursuant to adjournment.
Present: All the justices.

Montgomery City Court.

JACKSON W. GILES
v.
CHAS. B. TEASLEY ET ALS., Board of Registrars, &c. } 3 Div. 368.

Come the parties by attorneys and submit this cause on briefs for decision.

And the court adjourned until Wednesday December 17th 1902 at 10 o'clock a. m.

(Minutes 54, page 160.)

SUPREME COURT, SATURDAY, *February 28th*, 1903.

The court met pursuant to adjournment.
Present: All the justices.

Montgomery City Court.

JACKSON W. GILES
v.
CHARLES B. TEASLEY ET ALS., Board of Registrars, &c. } 3 Div. 368.

Come the parties by attorneys, and the record and matters therein assigned for errors, being submitted on briefs and duly examined and understood by the court, it is considered that in the record and proceedings of the city court there is no error. It is therefore considered that the judgment of the city court be in all things affirmed. It is also considered that the appellant, and J. W. Alstock and John W. Jones, sureties on the appeal bond, pay the costs of appeal of this court and of the city court.

And the court adjourned until Monday April 6th 1903 at 10 o'clock a. m.

19 Feb. 28, 1903.

THE STATE OF ALABAMA, *Judicial Department.*

The Supreme Court of Alabama, November Term, 1902.

JACKSON W. GILES
v.
CHAS. B. TEASLEY ET AL., Board of Registrars, etc. } 3 Div. 368.

Appeal from Montgomery city court.

TYSON, *J.:*

If we accept (without deciding) as correct the insistence laid in appellant's brief that section 186 of art. VIII of the constitution of 1901 is void because repugnant to the 14th and 15th amendments of the Constitution of the United States, then the defendants were wholly without authority to register the plaintiff as a voter and their refusal to do so cannot be made the predicate for a recovery of damages against them.

On the other hand if that section is the source of their authority, the jurisdiction is expressly conferred by it upon the defendants as a board of registrars to determine the qualifications of plaintiff as an elector and of his right to be registered as a voter. For their judicial determination that plaintiff did not possess the requisite qualifications of an elector, and their judicial act of refusing to register him predicated upon that determination, they are not liable in this action.—17 Am. & Eng. Ency. Law (2nd ed.) pp. 727, 728 and notes.

Affirmed.

20 THE STATE OF ALABAMA, *Judicial Department.*

The Supreme Court of Alabama, November Term, 1902.

JACKSON W. GILES
v.
CHAS. B. TEASLEY ET AL., Board of Registrars, &c. } 3 Div. 368.

Appeal from Montgomery city court.

THE STATE OF ALABAMA, *City and County of Montgomery.*

I, Robert F. Ligon, clerk of the supreme court of Alabama, do hereby certify that the foregoing pages numbered from 1 to 16 and

lettered from "*a*" to "*d*," inclusive, contain a full, true, and correct copy of the record, minute and judgment entries, and of the opinion, of said supreme court in the above stated cause, as the same appear and remain of record and on file in this office.

I further certify that, application for writ of error in said cause having been made, the said application was denied, and is endorsed as follows:

"Application for writ of error denied because no Federal question involved or decided. This, May 14, 1903.

THOS. McCLELLAN,
Chief Justice, Supreme Court of Alabama."

Witness, Robert F. Ligon, clerk of the supreme court of Alabama, at the capitol, this the 15 day of May A. D. 1903.

[Seal of the Supreme Court of Alabama.]

ROBERT F. LIGON,
Clerk of the Supreme Court of Alabama.

21 *Know all men by these presents*, that we, Jackson W. Giles as principal, and —— —— as sureties, are held and firmly bound unto Charles B. Teasley, William A. Gunter, Jr. and E. Jeff Harris, board of registrars of Montgomery county, Alabama, in the full and just sum of two hundred and fifty dollars, to be paid to the said Teasley, Gunter and Harris, board of registrars aforesaid, their certain attorney, executors, administrators, or assigns: to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 25th day of May, in the year of our Lord one thousand nine hundred and three.

Whereas, lately at a term of the supreme court of the State of Alabama in a suit depending in said court, between Jackson W. Giles, and Charles B. Teasley, Wm. A. Gunter Jr. and E. Jeff Harris, board of registrars of Montgomery county Alabama, in a suit for damages, a judgment was rendered against the said Jackson W. Giles and the said Giles, having obtained a writ of error and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the aforesaid suit, and a citation directed to the said Charles B. Teasley, Wm. A. Gunter Jr. and E. Jeff Harris board of registrars of Montgomery county Alabama citing and admonishing them to be and appear at a Supreme Court of the United States, at Washington, within thirty days from date thereof.

Now, *the condition of the above obligation is such*, that if the said Jackson W. Giles shall prosecute his writ of error to effect, and an-

swer all costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

JACKSON W. GILES. [SEAL.]
PHILIP WHITE. [SEAL.]
J. W. ADAMS. [SEAL.]

Sealed and delivered in presence of
J. A. ELMORE.

Approved by—
EDWARD D. WHITE,
Associate Justice of the Supreme Court of the United States.

22 STATE OF ALABAMA, }
Montgomery County. }

Philip White whose name is signed to the foregoing bond as one of the sureties therein, being duly sworn deposes and says: I reside in the city of Montgomery in said county and State, and am a freeholder therein, and am worth the sum of two hundred and fifty ($250.00) dollars over and above all property exempt from sale on execution.

PHILIP WHITE.

Sworn to and subscribed before me this 25 day of May, 1903.

{ Seal of John A. Elmore, Middle District of Alabama, U. S. Commissioner. }

J. A. ELMORE,
U. S. Com'r.

STATE OF ALABAMA, }
Montgomery County. }

J. A. Adams whose name is signed to the foregoing bond as one of the sureties therein, being duly sworn deposes and says: I reside in the city of Montgomery in said county and State, and am a freeholder therein, and am worth the sum of two hundred and fifty ($250.00) dollars over and above all property exempt from sale on execution.

J. W. ADAMS.

Sworn to and subscribed before me this 25 day of May, 1903.

{ Seal of John A. Elmore, Middle District of Alabama, U. S. Commissioner. }

J. A. ELMORE,
U. S. Com'r.

On this 25 day of Mat, 1903, in the city and county of Montgomery, State of Alabama, before me personally appeared Philip White and J. W. Adams both of whom are known to me to be the

individuals described in and who signed the foregoing bond as sureties therein, and then and there each of them severally acknowledged that he executed the foregoing bond.

Witness my signature this day and date first above written.

{Seal of John A. Elmore, Middle District of Alabama, U. S. Commissioner.}

J. A. ELMORE,
U. S. Com'r.

23 I, Thomas G. Jones, judge of the United States district court, for the district of Alabama, hereby certify that Phillip White and J. W. Adams, whose names are signed as sureties to the foregoing bond, are known to me and are freeholders in Montgomery county, and I consider each of them worth over five hundred ($500.00) dollars in property subject to execution, and would approve the foregoing bond with them as sureties if the same was submitted to me.

THOS. G. JONES.

Witness my signature this 26 day of May 1903.

24 Supreme Court of the State of Alabama.

JACKSON W. GILES, Plaintiff in Error, *vs.* CHARLES B. TEASLEY, WILLIAM A. GUNTER, E. Jeff Harris, Board of Registrars, Montgomery County, Alabama, Defendants in Error.	Suit for Damages.

And now comes the said plaintiff in error by his attorney and makes the following assignments of error in the judgment and proceedings of this court, upon which he relies and expects to obtain a reversal in the Supreme Court of the United States, to wit:—

First Assignment of Error.

Because the supreme court of Alabama erred, in refusing to decide that the suffrage provisions of the constitution of Alabama were repugnant to the 14th and 15th amendments to the Constitution of the United States, in the purpose for which they were framed and enacted; they being framed and enacted for the avowed purpose of disfranchising the negroes of Alabama, without disfranchising a single white man.

Second Assignment of Error.

25 The supreme court of Alabama erred in refusing to decide that the suffrage provisions of the constitution of Alabama were repugnant to the 14th and 15th amendments to the

Constitution of the United States, in their language and meaning; they being so artfully framed that white men alone can become electors in the State of Alabama, and negroes can be excluded, and were excluded on account of their race and color and previous condition of servitude, except in such cases as happened to suit the arbitrary whims of the board of registrars.

Third Assignment of Error.

The supreme court of Alabama erred in refusing to decide that the suffrage provisions of the constitution of Alabama were made unconstitutional and void by the manner of their administration by the defendants in error, and all other boards in the State, in that they admitted all white men applying for registration to be registered as electors, and denied registration practically to all negroes, for no other reason than their race and color.

Fourth Assignment of Error.

The supreme court of Alabama erred in affirming the judgment of the city court of Montgomery, wherein the complaint of the plaintiff in error was dismissed on demurrer to the same.

Wherefore the plaintiff in error prays that the judgment of the supreme court of Alabama affirming the judgment of the city court of Montgomery, be reversed in the Supreme Court of the United States.

WILFORD H. SMITH,
Attorney for Plaintiff in Error.

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JACKSON W. GILES
vs.
CHARLES B. TEASLEY, WILLIAM A. GUNTER, Junior, and E. Jeff Harris, Board of Registrars of Montgomery County, Alabama. } A Suit for Damages.

To the Honorable E. D. White, one of the justices of the Supreme Court of the United States:

Your petitioner, Jackson W. Giles, a citizen of the United States and of the State of Alabama respectfully petitions and shows:—

First. That a final judgment of the supreme court of Alabama, the highest court of the State of Alabama in which a decision could be had, has been rendered against him in a suit where was drawn in question the validity of the suffrage provisions of the constitution of Alabama, and the authority of said defendant board of registrars, acting thereunder, on the ground that the said suffrage provisions of the constitution of Alabama, were repugnant to the 14th and 15th

amendments to the Constitution of the United States, and the decision of the said supreme court of Alabama in effect was in favor of the validity of the suffrage provisions of the constitution of Alabama, and the authority exercised under them by said defendant board, as will more clearly appear by the certified copy of the record in said case, from the said supreme court of Alabama, submitted with this petition.

27 Second. That your petitioner being of African descent, and of black complexion known as a negro, and a citizen of the United States, and having theretofore been an elector under the laws of the State of Alabama, was on the 13th day of March, 1902, refused registration, and was not allowed to qualify as an elector in the State of Alabama, for no other reason than his race and color, by said board, who were acting under and by authority of the suffrage provisions of the constitution of Alabama, which went into effect November 28th, 1901.

Third. Thereupon petitioner filed a suit for damages in the sum of five thousand ($5,000) dollars, against said defendant board in the city court of Montgomery, and alleged in his complaint the fact of his refusal as aforesaid, and that the suffrage provisions of the constitution of Alabama, under which said board were acting, were framed for the purpose of allowing only white men to become electors in said State, and by their language and meaning only white men could become electors in said State; and that said suffrage provisions were repugnant to the 14th and 15th amendments to the Constitution of the United States, a demurrer to said complaint was sustained by the city court of Montgomery, from which petitioner appealed to the supreme court of Alabama, and the judgment of the lower court was there affirmed, as will more fully appear from the copy of the record herewith submitted.

Fourth. Because manifest injustice has been done petitioner, in the judgment and proceedings in said case, and the denial
28 of the rights claimed by him under the 14th and 15th amendments to the Constitution of the United States.

Wherefore he prays for the allowance of a writ of error, and such other process as may cause said judgment to be corrected by the Supreme Court of the United States; as in duty bound he will ever pray.

WILFORD H. SMITH,
Attorney for Jackson W. Giles.

29 (Original.)

UNITED STATES OF AMERICA, *ss:*

To Charles B. Teasley, William A. Gunter, Jr., and E. Jeff Harris, a the board of registrars of Montgomery county, Alabama, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to a writ of error, filed in the clerk's office of the supreme court of the State of Alabama wherein Jackson W. Giles is plaintiff in error and you are defendants in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable Edward D. White, associate justice of the Supreme Court of the United States, this twenty-ninth day of May, in the year of our Lord one thousand nine hundred and three.

EDWARD D. WHITE,
Associate Justice of the Supreme Court of the United States.

30 We hereby as attorneys of the within named defendants in error accept service of this citation & waive further service.

GUNTER & GUNTER, *Att'ys.*

Jun- 20 1903.

31 UNITED STATES OF AMERICA, *ss:*

[Seal of the Supreme Court of the United States.]

The President of the United States of America to the honorable the judges of the supreme court of the State of Alabama, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said supreme court before you, or some of you, being the highest court of law or equity of the said State in which a decision could be had in the said suit between Jackson W. Giles, appellant, and Charles B. Teasley, William A. Gunter, Jr., and E. Jeff Harris, as the board of registrars of Montgomery county, Alabama, appellees, wherein was drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision was against their validity; or wherein was drawn in question the validity of a statute of, or an authority exercised under, said State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision was in favor of such their validity; or wherein

was drawn in question the construction of a clause of the
32 Constitution, or of a treaty, or statute of, or commission held under the United States, and the decision was against the title, right, privilege, or exemption specially set up or claimed under such clause of the said Constitution, treaty, statute, or commission; a manifest error hath happened, to the great damage of the said appellant as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same in the said Supreme Court at Washington, within 30 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the twenty-ninth day of May, in the year of our Lord one thousand nine hundred and three

JAMES H. McKENNEY,
Clerk of the Supreme Court of the United States.

Allowed by
EDWARD D. WHITE,
Associate Justice of the Supreme Court of the United States.

33 THE STATE OF ALABAMA, }
Judicial Department. }

The Supreme Court of Alabama, November Term, 1902.

JACKSON W. GILES
v.
CHAS. B. TEASLEY ET AL., Board of Registrars, &c. } 3 Div. 368.

Appeal from Montgomery city court.

THE STATE OF ALABAMA, }
City and county of Montgomery. }

I, Robert F. Ligon, clerk of the supreme court of Alabama, do hereby certify that the foregoing pages numbered from 1 to 16 and lettered from "*a*" to "*g*," inclusive, contain a full, true, and correct copy of the record, minute and judgment entries, and of the opinion, of said supreme court in the above stated cause, and of the appeal bond by the plaintiff in error, as the same appear and remain of record and on file in this court.

I further certify that, application for writ of error in said cause having been made to the supreme court of Alabama, the said application was denied, and is endorsed as follows:

"Application for writ of error denied because no Federal question involved or decided.—This May 14, 1903.—Thos. N. McClellan, chief justice, supreme court of Alabama."

I further certify that the petition for writ of error, the writ of error, the citation and acceptance of service, the assignments of error, the petition for reversal of the judgment of the supreme court of Alabama, are hereto attached.

Witness my hand, and the seal of the supreme court of Alabama, at the capitol, this the 22nd day of June, A. D. 1903.

[Seal of the Supreme Court of Alabama.]

ROBERT F. LIGON,
Clerk of the Supreme Court of Alabama.

Endorsed on cover: File No. 18,988. Alabama supreme court. Term No. 337. Jackson W. Giles, plaintiff in error, *vs.* Charles B. Teasley, William A. Gunter, Jr., and E. Jeff Harris, as the board of registrars of Montgomery county, Alabama. Filed June 29, 1903. File No. 18,988.